



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,247	03/21/2000	Jian Qin	11710-0160	7378

23594 7590 03/05/2003

JOHN S. PRATT  
KILPATRICK STOCKTON LLP  
1100 PEACHTREE  
SUITE 2800  
ATLANTA, GA 30309

EXAMINER

WILSON, DONALD R

ART UNIT	PAPER NUMBER
----------	--------------

1713

DATE MAILED: 03/05/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/531,247		<b>Applicant(s)</b> QIN ET AL.	
	<b>Examiner</b> D. R. Wilson		<b>Art Unit</b> 1713	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☒ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-6,10-12,17-19 and 21.

Claim(s) withdrawn from consideration: 7-9,13-16 and 20.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

D. R. Wilson  
Primary Examiner  
Art Unit: 1713

**ADDITIONAL COMMENTS**

***Response to Proposed Amendment After Final***

1. Applicant's proposed amendment filed 2/12/03, after final rejection, has been fully considered with the following results.
2. The proposed amendment will not be entered because it raises new issues as well as not placing the application in better condition for appeal. As previously pointed out, the amendment to the specification reciting the dimensions of fibers used in the invention is considered to be new matter because it is not supported by any evidence that such were publicly known to be the dimensions at the time of the invention. Applicant also appears to have introduced new matter in the claims as applicant has not pointed to any basis in the specification for the recited particulate or fiber dimensions. Applicant is reminded that the burden is on applicant, not the Examiner, to establish the basis for amendments. New issues which would require further consideration include the size limitations now present in the claims, clarity of the claims e.g., the new language of Claim 1 does not require the second functional group to be of the superabsorbent material, and Claim 10 narrows the material to that of a fiber which hasn't previously been considered.
3. Applicant's arguments, which continue to traverse the rejection under 35 U.S.C. § 112, first paragraph, concerning the structure and chemistry of lauryldimethyl amine oxide is not deemed to be persuasive for reasons of record.
4. The proposed amendment to Claim 21 if entered would have overcome the separate rejection of this claim under 35 U.S.C. § 112, first paragraph, and the rejection would have been withdrawn.
5. The proposed amendment if entered would have overcome the rejection of Claim 2 under 35 U.S.C. § 112, second paragraph, concerning the amount of water sufficient to solvate the surface, and in this regard the rejection would have been withdrawn. The proposed amendment would not have overcome the other bases of rejection for reasons of record.
6. Applicant's traversal of the prior art rejections is also not deemed to be persuasive for reasons of record.

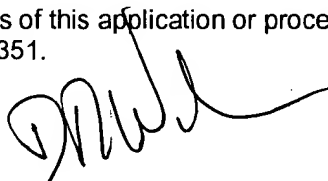
Art Unit: 1713

***Future Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. R. Wilson whose telephone number is 703-308-2398.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 703-308-2450. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications. The unofficial direct fax phone number to the Examiner's desk is 703-872-9029.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-2351.



D. R. Wilson  
Primary Examiner  
Art Unit 1713